



A publication of Fairfax County, Virginia



## CODE COMPLIANCE GUIDELINE

# PORTABLE OUTDOOR FIREPLACES

CHIMINEAS, FIRE PITS & SIMILAR SOLID-FUEL-BURNING DEVICES

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This publication outlines the Fire Prevention Code fire safety requirements and prohibitions related to the operation and storage of portable outdoor fireplaces in Fairfax County and the towns of Clifton, Herndon, and Vienna. This publication does not address recreational fires, bonfires, controlled burning, charcoal grills and open-flame cooking devices, or portable heating appliances.

Questions regarding the content of this publication should be directed to the Fire Inspections Branch at 703-246-4849 during regular office hours, Monday thru Friday, 8:00 a.m. to 4:30 p.m.

## OVERVIEW

The intent of this publication is to provide information to help prevent unwanted fires resulting from the unlawful or unsafe operation and/or storage of portable outdoor fireplaces. In addition to specifying the regulations prohibiting the operation and storage of portable outdoor fireplaces, fire safety and precautionary information related to the operation of these devices is provided.

**PORTABLE OUTDOOR FIREPLACE DEFINED.** The Fire Prevention Code defines "portable outdoor fireplace" as a portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top. This would also include devices typically known as chimineas and fire pits.

## PROHIBITED OPERATION & STORAGE

**Endangering Property Prohibited.** In accordance with Section 307.5.1 of the Fire Prevention Code (as amended by Fairfax County), no person shall kindle, authorize to be kindled, or maintain any permitted (i.e., allowable) fire in such a manner that will endanger the property of another. This might include the unlawful or unsafe operation of portable outdoor fireplaces.

**Prohibited Operation.** In accordance with Section 307.4.3 of the Fire Prevention Code, portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material. The sole exception to this prohibition applies to portable outdoor fireplaces used at one- and two-family dwellings.

**Prohibited Storage.** Fairfax County further regulates portable outdoor fireplaces by prohibiting the storage of these devices in specific locations. In accordance with Section 308.7 of the Fire Prevention Code (as amended by Fairfax County), outdoor fireplaces, fire pits, chimineas, and other similar portable devices designed for outdoor use shall not be stored on a balcony or deck of any structure or within 15 feet of combustible construction or a residential occupancy. The sole exception to this prohibition applies to portable outdoor fireplaces stored at detached one- and two-family dwellings and townhouses (townhouse definition on next page).

## **QUESTIONS & ANSWERS**

### **Q: Why have fire safety regulations for portable outdoor fireplaces?**

**A:** To reduce risk of unwanted fires resulting in property damage, occupant displacement, and personal injury or death from the operation and/or storage of portable outdoor fireplaces in areas in proximity to structures and combustible material. Potential fire risks associated with misuse of portable outdoor fireplaces include accidental ignition of adjacent combustible material, vegetation, and building features such as balconies, decks, and vinyl siding, as well as inadequate fire extinguishment and improper disposal of leftover ashes resulting from the use of portable outdoor fireplaces.

### **Q: What is a townhouse?**

**A:** The Fire Prevention Code defines "townhouse" as a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides. This might include structures referred to as row houses or quads. However, stacked, over-under, and piggyback style dwellings or similar multi-level residential occupancies having horizontal (i.e., floor-ceiling) dwelling unit separation between lower and upper level units are not considered townhouses because individual units do not extend from foundation to roof; therefore are not exempt from the prohibitions related to the operation and storage of portable outdoor fireplaces.

### **Q: Can I use a portable outdoor fireplace at my apartment building or condominium?**

**A:** *Only in accordance with the law.* Residents of apartment buildings, multi-unit condominiums, and other residential occupancies who want to operate portable outdoor fireplaces must take certain precautions and understand the regulations relating to the operation and storage of these devices at residential occupancies. The operation and storage of portable outdoor fireplaces on balconies and decks or within 15 feet of residential occupancies other than detached one- and two-family dwellings and townhouses is against the law.

### **Q: Should I operate an outdoor fireplace on/under the balcony or deck of my house?**

**A:** *No.* Although one- and two-family dwellings and townhouses are exempted from the Fire Prevention Code prohibitions related to the operation of portable outdoor fireplaces, the operation these portable fireplaces on/under combustible balconies and decks attached to townhouses, duplexes, and single-family dwellings is strongly discouraged. Furthermore, manufacturers generally specify that portable outdoor fireplaces not be operated in such locations. When these devices are operated on combustible balconies and decks, non-combustible protective insulating materials such as patio blocks/pavers or a hearth pad should be used to help protect the surface of the balcony or deck from radiant heat and stray embers provided the manufacturer does not specifically prohibit the use of their particular brand of portable outdoor fireplace on combustible balconies and decks.

### **Q: How far from my house or deck should I operate a portable outdoor fireplace?**

**A:** *Greater than 15 feet.* A minimum distance of 15 feet from all detached one- and two-family dwellings and townhouses and attached decks is strongly encouraged. This 15 foot distance originates from the Fire Prevention Code, and is the minimum separation from structures and combustibles required for the operation of portable outdoor fireplaces. This recommendation is made in an effort to limit exposure to the house and deck and reduce the chance of unwanted fire spread should an accident occur during portable outdoor fireplace operation.

## **FIRE SAFETY REQUIREMENTS & PROHIBITIONS**

1. **Manufacturer's Instructions.** In accordance with Section 307.4.3 of the Fire Prevention Code, portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions.
2. **Attendance.** In accordance with Section 307.5 of the Fire Prevention Code, the use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. Do not leave smoldering fires unattended. If you allow a fire to smolder, it is not completely extinguished. Completely extinguish the fire including all hot ashes, cinders, embers, and smoldering coals. Then, properly and safely dispose of leftover ashes. Read more about disposal of ashes on page four of this publication.
3. **Extinguishing Equipment.** In accordance with Section 307.5 of the Fire Prevention Code, fire-extinguishing equipment, such as a minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization. Use caution when applying water directly to ceramic/clay portable outdoor fireplaces, chimineas, or fire pits, as sudden application of cool water may cause the device to crack which could result in loss of containment of burning materials (i.e., hot ashes, embers, etc.). Consult the manufacturer's instructions for precautions concerning the application of water.
4. **Quantity of Fuel.** Do not overload the burn chamber or firebox of any portable outdoor fireplace with too much fuel. Make a fire that is suitable in size for the device. Use only the quantity of allowable fuel the device is designed to hold in accordance with the manufacturer's instructions, limitations, or safety guidelines. A fire that is too large not only wastes fuel, but can damage the device and cause a hazardous fire condition.
5. **Allowable Fuel.** Burn only dry, well-seasoned hardwood that has been split properly (i.e., firewood). Firewood contains little moisture creating less polluting smoke when burned and should be dried for 6 to 12 months minimum. In addition, burning of materials should be in accordance with the manufacturer's instructions, limitations, or safety guidelines.
6. **Burning of Refuse Prohibited.** The burning of refuse in a portable outdoor fireplace is not an approved method for refuse disposal and is prohibited in Fairfax County and the towns of Clifton, Herndon, and Vienna. The definition of refuse originates from Fairfax County air pollution control regulations (Chapter 103, Fairfax County Code) and shall mean and include garbage, rubbish, and trade waste defined as follows:
  - **Garbage.** Garbage shall mean animal and vegetable matter such as that originating in houses, kitchens, restaurants and hotels, produce markets, food service or processing establishments, greenhouses, and hospitals, clinics or veterinary facilities.
  - **Rubbish.** Rubbish shall mean solids not considered to be highly flammable or explosive such as, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, yard trimmings, furniture, metal food containers, glass, crockery, masonry, and other similar materials.
  - **Trade Waste.** Trade waste shall mean all solid or liquid material resulting from construction, building operations, or the prosecution of any business, trade or industry such as, but not limited to, plastic products, cinders, and other forms of solid or liquid waste materials.

7. **Materials Producing Dense Smoke Prohibited.** The burning of rubber, asphaltic materials, combustible and flammable liquids, impregnated wood or similar materials which produce dense smoke is considered objectionable, a hazard and nuisance to the community, and is strictly prohibited.
8. **Ignitable Liquids and/or Hazardous Materials Prohibited.** Combustible and flammable liquids, as well as other hazardous materials, shall not be used to aid the ignition of a fire in a portable outdoor fireplace. Furthermore, the application, dispensing, or use of a combustible or flammable liquid, or any other hazardous material, upon or into the fuel used in any portable outdoor fireplace may be considered an unauthorized release of a hazardous material and is strictly prohibited.
9. **Careless and Negligent Fires Prohibited.** In accordance with Section 307.6 of the Fire Prevention Code (as amended by Fairfax County), if any person shall carelessly or negligently set fire to, burn or cause to be burned any property, either real or personal, whether the property be his or that of another, he shall be subject to the penalties set forth in Section 62-1-1 of the Fairfax County Code. Operation of portable outdoor fireplaces in a hazardous manner contrary to manufacturer's instructions and limitations for proper and safe operation may be considered careless or negligent in violation the Fire Prevention Code. This might include the improper disposal of hot ashes, cinders, and smoldering coals.

## **DISPOSAL OF ASHES**

**Safe Disposal.** After the fire is completely extinguished, dispose of leftover ashes in a safe and lawful manner. Ashes removed from the portable outdoor fireplace must be thoroughly dampened and cooled, then deposited in a covered metal can or other suitable noncombustible container used solely for ash storage. Ashes must be stored in accordance with the law.

**It's the Law!** In accordance with Section 305.2 of the Fire Prevention Code, hot ashes, cinders, smoldering coals shall not be deposited in a combustible receptacle, within 10 feet of other combustible material including combustible walls and partitions or within 2 feet of openings to buildings. The minimum required separation distance to other combustible materials shall be 2 feet where the material is deposited in a covered, noncombustible receptacle placed on a noncombustible floor, ground surface or stand.

**Don't Be Careless.** Do not discard leftover ashes into a plastic bag, paper bag, cardboard box or anything that is combustible. Ashes that are two or three days old may appear to be cool and safe, but can still retain enough heat to cause an unwanted fire. Also, be careful in handling partially burned wood; the wood may still be smoldering and could cause a burn injury.

**Get More Information.** For additional information about safe disposal of leftover ashes, refer to the Fire & Rescue Department's "Can Your Ashes" publication. This publication is available online at [www.fairfaxcounty.gov/fr/download/canyourashes.pdf](http://www.fairfaxcounty.gov/fr/download/canyourashes.pdf)

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